

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
EVANSVILLE DIVISION

JOHN DOE)	
Plaintiff)	
)	
v.)	CASE NO. 3:21-cv-00144-TWP-MJD
)	
UNIVERSITY OF SOUTHERN INDIANA,)	
DAMEION DOSS,)	
BETH DEVONSHIRE,)	
D. STAFFORD & ASSOCIATES,)	
KAREN NUTTER, and)	
GRAND RIVER SOLUTIONS, INC.)	
Defendants)	

JOINT REPORT ON STATUS OF DISCOVERY

Comes now Plaintiff, John Doe (“Doe”), and Defendants, University of Southern Indiana (“USI”), Dameion Doss (“Doss”), Beth Devonshire (“Devonshire”), D. Stafford & Associates (“Stafford”), Karen Nutter (“Nutter”), and Grand River Solutions, Inc. (“Grand River”), and pursuant to this Court’s Scheduling Order dated May 24, 2023 [ECF No. 224], provide their Joint Report on the Status of Discovery:

1. A detailed description of all discovery completed to date.
 - A. Plaintiff has served answers to USI’s First Set of Interrogatories and responses to USI’s First Set of Requests for Production.
 - B. USI has served its Responses to each of Plaintiff’s three sets of Requests for Production, as well as the following answers to interrogatories:
 - i. Defendant University of Southern Indiana’s Answer to Plaintiff’s Interrogatory;
 - ii. Defendant’s Response to Interrogatories Served 9/23/22;

- iii. Defendant's Response to Interrogatories Served 10/21/22;
- iv. Defendant's Response to Interrogatories Served 10/3/22;
- v. Defendant's Supplemental Response to Interrogatories Served 10/3/22;
- vi. Defendant's Supplemental Response to Interrogatories Served 9/23/22; and
- vii. Defendant's Second Supplemental Response to Interrogatories Served 9/23/22.

C. Prior to the filing of his Second Amended Complaint, Plaintiff served Devonshire, Stafford, Grand River, Husch Blackwell, and Barnes & Thornburg with non-party requests for production. Each of these individuals/entities have produced documents in response to the requests. Counsel for Plaintiff and counsel for Stafford have been in communication regarding a potential supplemental production from Stafford.

2. A detailed description of all discovery presently scheduled or pending, including the due dates for any pending discovery requests and the scheduled dates for any depositions, and the identity of the counsel responsible for completing such discovery.

A. Plaintiff is currently scheduled to take the deposition of Christopher Bayh on July 14, 2023. Counsel Robert Burkart will be responsible for taking Mr. Bayh's deposition.

B. Plaintiff is tentatively scheduled to take the depositions of Dolores Stafford on August 16, 2023 and Defendant Beth Devonshire on August 22, 2023. Counsel Robert Burkart will be responsible for taking these depositions.

3. A detailed description of any discovery disputes presently pending, including the status of the resolution of the dispute and the identity of the counsel responsible for resolving the dispute.

A. Defendants USI, Doss, and Devonshire contend that Plaintiff is non-compliant with the requirement of Federal Rule of Civil Procedure 26(a)(1)(A)(iii) to disclose his computation and documents showing the nature and extent of injuries suffered and has non-compliantly responded to Defendant USI's related Interrogatory No. 6 seeking discovery of "each type and amount of damages that you allege against University of Southern Indiana, including any harm to your reputation, past and future economic earnings, educational and athletic opportunities, and future career prospects" and the identity and custodian of supporting documents, to which Plaintiff has responded only as follows: "Damages caused by USI's discriminatory conduct including harm to reputation, lost educational and athletic opportunities, and harm to future career prospects in an amount to be determined." Status of dispute: Meet and confer initiated by USI counsel on June 20, 2023. Counsel responsible for resolution of dispute: Attorneys Burkart and Kealey.

Defendant USI contends that Plaintiff has non-compliantly responded to USI's Interrogatory No. 12 ("State whether you contend that USI did not genuinely believe the conclusion of the Grand River Solutions hearing panel regarding your culpability. If you do so contend, state each and every fact on which you basis that contention.") to which Plaintiff has responded only: "Yes. See the proposed Second Amended Complaint." Status of dispute: Meet and confer initiated by USI counsel on June 20, 2023. Counsel responsible for resolution of dispute: Attorneys Burkart and Kealey.

4. A detailed description of all discovery that is planned to be completed within the 28-day period following the report, including the identity of the counsel responsible for completing such discovery.

A. Plaintiff intends to complete the deposition of Christopher Bayh within 28 days of filing this Report. That deposition is currently scheduled for July 14, 2023, and Counsel Robert Burkart will be responsible for taking this deposition.

5. A description of all known discovery to be completed in this matter, including a proposed timetable for the completion of such discovery and the identity of the counsel responsible for completing such discovery.

A. In addition to the depositions of Christopher Bayh, Dolores Stafford, and Beth Devonshire listed above, Plaintiff intends to take the depositions of Karen Nutter, Jody Shipper, Dameion Doss, Ronald Rochon, Dr. Shelly Blunt, Andrew Lenhardt, and Demetrius Peterson. Further, Plaintiff will take a 30(b)(6) deposition of USI. Counsel Robert Burkart will be responsible for taking these depositions. Counsel for the parties are currently in the process of scheduling these depositions. Plaintiff reserves the right to take additional depositions or serve additional discovery as trial preparation and discovery continues.

B. Defendants USI, Doss, and Devonshire will perform the following discovery:

- i. Service of interrogatories on Plaintiff in June 2023 for response in July 2023.
- ii. Depositions of Plaintiff John Doe and Keith Vonderahe; to be conducted by Attorney William Kealey; anticipated to occur in September-October 2023.
- iii. Depositions of Plaintiff John Doe's roommates/teammates, including but not limited to, Braden Matthews, Sam Benoist, and Cade Walsh, and

soccer coach(s), including but not limited to, Mat Santoro; to be conducted by Attorneys William Kealey or Joseph Harrison III; anticipated to occur in September-October 2023.

- iv. Subpoenas to issue in June-July 2023 to above-referenced roommates/teammates and/or soccer coach(s) for emails and text messages.

6. Any other discovery issues any party believes should be brought to the attention of the Court so as to avoid any further delays in the completion of discovery in this matter.

A. None.

Respectfully submitted,

/s/ Matthew S. Koressel

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